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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,062	04/07/2004	Jin Yeol Kim	20040-00013	9643

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JHK Law
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EXAMINER

ZACHARIA, RAMSEY E

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,062

Applicant(s)

KIM ET AL.

Examiner

Ramsey Zacharia

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 6-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 22 October 2005.

3. This application contains claims 6-11 drawn to an invention nonelected with traverse in the reply filed on 22 October 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

4. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasunori et al. (JP 05-307,104) in view of Fujimaki et al. (US 6,191,837 B1).

Yasunori et al. teach a filter comprising a transparent plastic film, a hardened film, and an antireflection layer over the hardened film (abstract). The filter comprises part of a polarizing plate used in a liquid crystal display to provide the display with an acid-resisting function (paragraph 0010). In the embodiment of the example, the acid-resisting function is imparted by

Art Unit: 1773

the antireflection layer which is formed by successively laminating layers including a titanium oxide layer (i.e. a high refractive layer) and a silicon oxide layer (i.e. a low refractive layer) (paragraph 0012).

Yasunori et al. do not teach the presence of a conductive polymer layer comprising a polymer for formula (1) as recited in instant claims 2 and 4.

Fujimaki et al. teach the application of an electroconductive film to a liquid crystal display to prevent static electricity from exerting undesirable effects on the display (column 5, line 57-column 6, line 13). The electroconductive film may comprise a polythiophene having a structure that reads on formula (1) of instant claims 2 and 4 wherein X is S and R₁ and R₂ together form a cyclic structure containing hydrocarbon together with at least one O atom (column 6, lines 40-55). In one embodiment, the electroconductive film is formed on the polarizing plate of the liquid crystal display (Figure 2 and column 12, lines 42-46).

One skilled in the art would be motivated to provide the polarizing plate taught by Yasunori et al. with an electroconductive film as taught by Fujimaki et al. to provide the resulting article with protection from the effects of static electricity.

Response to Arguments

5. Applicant's arguments filed 01 February 2006 have been fully considered but they are not persuasive.

The applicants argue that there is no motivation to combine Yasunori et al. and Fujimaki et al. to arrive at the claimed invention. The applicants argue that Yasunori et al. fail to disclose or suggest an antireflection film comprising a conductive polymer layer, refractive thin film layer

Art Unit: 1773

and substrate as claimed. The applicants further argue that Fujimaki et al. does not remedy the deficiencies in the Yasunori et al. reference by failing to disclose or suggest an antireflection film comprising a conductive polymer layer, refractive thin film layer and substrate as claimed.

This is not persuasive for the following reasons. While neither Yasunori et al. nor Fujimaki et al. alone teach an antireflection film comprising a conductive polymer layer, refractive thin film layer and substrate as claimed, the rejection is based on the combination of the references and one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As outlined above, Yasunori et al. teach a filter as part of a polarizer plate that comprises a transparent plastic film and an antireflection layer formed of successive high and low refraction layers. Fujimaki et al. teach the application of a polythiophene film to the outer surface of a polarizer plate to offer protection from the effects of static electricity. As such, one skilled in the art would be motivated to apply a polythiophene layer to the outer surface of the polarizing plate of Yasunori et al. to provide the resulting device with protection from the effects of static electricity.

The applicants further argue that the conductive polymer layer of the present invention is stacked by vapor phase polymerization and provides the inventive antireflection film anti-static and electromagnetic shielding properties. However, it is noted that Fujimaki et al. teach the use of a polythiophene as claimed specifically to provide anti-static shielding properties and the claims as written do not require the polymer of the conductive layer to be stacked by vapor phase polymerization. Furthermore, even if the claims were to recite this limitation, the burden would

be on the applicant to present evidence from which the examiner could reasonably conclude that forming the conductive layer by vapor phase polymerization results in a materially different product since this would be a product-by-process limitation. See MPEP 2113.

Conclusion


6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramsey Zacharia
Primary Examiner
Tech Center 1700